

Remarks**Claim rejections 35 USC § 103**

The obviousness rejection alleges that Beyda discloses all features of claim 35, with the sole exception that the list of main conference participants presented to at least one of the users (which the Examiner alleges is disclosed by Beyda) is not disclosed as being a “graphical” list.

The Examiner has stated that in view of the new ground of rejection, Applicant’s previous arguments are moot. This is not the case, since the previous response directly addressed the alleged disclosure of three important features of claim 35, and the latest office action largely repeats the same allegations without considering Applicant’s arguments. Each of these features will be dealt with in turn below, after making a preliminary point about inherency.

Applicant’s last two responses pointed out that, for a feature to be considered as “inherently” described in the prior art, a very stringent standard must be met, namely the feature must necessarily be present. The arguments in the most recent office action have been reworded, and now avoid any allegation of an inherent disclosure, for which the Examiner previously argued.

In view of the re-worded arguments, i.e. the removal of any allegation of inherent disclosure, it seems safe to assume that the argument now being made is based on the only other alternative: the features in question are alleged to be explicitly disclosed. Applicant’s arguments will therefore focus on explaining why there is no explicit or express disclosure of the features in contention.

“Presenting at least one of said users in the main conference with a [graphical] list of main conference participants.”

Leaving aside the “graphical” limitation for the moment, the Examiner alleges that the claim clause is disclosed by Beyda as follows: *“Referring to Figures 1 and 2, a list of users is presented to a user in order for them to determine an appropriate*

subconference participant. See column 5, lines 31-41". Applicant fails to see how this conclusion can be drawn from Figures 1 and 2 and of column 5, lines 31-41:

Figure 1 is a schematic diagram of a communications network. It contains no disclosure of a list being presented to anybody.

Fig. 2 is a block diagram of the functional components of a system for managing subconference calls. It shows a subconference call request being made and accepted, and shows voice data being distributed to conference and subconference participants. There is no disclosure of a list being presented to anybody.

Column 5, lines 31-41 relate to Fig. 3 and describe the missing of voice data within a main conference. There is no mention or suggestion of presenting a list to anybody.

Clearly, therefore, the cited passage and Figures from Beyda do not teach presenting a list of main conference participants to one of the users in the main conference. The Examiner no longer alleges an inherent disclosure, and Applicant's previous responses dealt with this possibility in detail. Therefore, it has been exhaustively demonstrated that there is no disclosure, inherent or explicit, of presenting the users in the main conference with a list of the main conference participants.

Should the Examiner reformulate the argument to allege that this feature of "presenting a list" is inherently disclosed, Applicant respectfully directs attention in advance to the responses dated September 8, 2006 and April 13, 2006, which are directed to any such argument.

This leaves the obviousness argument regarding this clause, i.e. whether it would be obvious to implement Beyda's list as a "graphical" list. Since it has been shown that no such list is in fact disclosed or suggested by Beyda, this question is meaningless.

"Providing said user with an interface to interact with said [graphical] list of main conference participants, such that said user has an option to request a

subconference with a subset of other users by selecting subconference participants from said [graphical] list using said interface"

Once again, the argument of inherency has been dropped since the last office action, and therefore Applicant assumes that it is now alleged that the above feature is explicitly disclosed by Beyda using the following argument: *"Referring to Figure 1, first terminal 14 transmits a subconference call request 28 to the sixth terminal 24, based upon the known list of participants. See column 4, lines 33-40".*

Even taken on its face, this quoted reasoning makes no mention of an interface which allows the user to interact with a list (graphical or otherwise), or of allowing users to select subconference participants from said list using said interface.

The passage referred to in column 4 says only that after a conference has been set up, one terminal transmits a subconference call setup request to another terminal. There is no suggestion that this is done by selecting participants from a list using an interface which allows the participant to interact with the list.

Accordingly applicant fails to see how the elements referred to by the Examiner can be considered to disclose the above feature explicitly. Should the Examiner revert to an argument based on implicit disclosure, Applicant again reiterates the points made previously in the responses of September 8, 2006 and April 13, 2006.

"Presenting to said user a [graphical] list of the subset of users in the subconference, when the subconference is in progress"

The Examiner argues: *"Referring to Figures 1 and 2, the list of the subset of users in the subconference is presented during the text messaging between the initiator and the intended recipient during the subconference between the first terminal 14 and the sixth terminal 24. See column 4, lines 66-67 and column 5, lines 1-3."*

Applicant has already summarized the content of Figures 1 and 2 of Beyda. A diligent study of the passage relied on in columns 4 and 5 fails to reveal any teaching or suggestion of any text messaging between the various parties. Should this

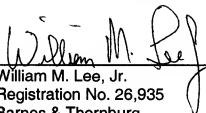
argument be maintained, Applicant respectfully requests that that the Examiner point out what part of the passage is considered to discuss such text messaging.

Irrespective of whether there is any text messaging (and there is not) nothing in the Figures or in the cited passage suggests presenting a graphical list, or indeed any list, of the subconference users where the subconference is in progress. Again, should the Examiner reformulate the argument to again allege this as an inherent disclosure, attention is directed to the responses of September 8, 2006 and April 13, 2006.

In view of the fact that the three features argued for above are not disclosed or suggested by Beyda, reconsideration and allowance are respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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